GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:790
ANSWERED ON:25.07.2003
DEMANDS OF BAR COUNCIL OF INDIA
JAGMEET SINGH BRAR

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Bar Council of India has demanded that the kins of Judges should not be allowed to appear for cases under their jurisdiction; and

(b) if so, the reaction of the Government thereon?

Answer

MINISTER OF LAW & JUSTICE AND COMMERCE & INDUSTRY (SHRI ARUN JAITLEY)

(a) & (b) : The Bar Council of India has informed that it has demanded that the Judges must be posted at places other than the places where their children or near relations practice. The Council at a joint meeting with the Chairmen/Representatives of State Bar Councils and Presidents of High Court Bar Associations passed the following resolution on 8/9-2-2003:-

`IT IS FURTHER RESOLVED that in matters of selection of Judges, merit should be the paramount consideration and that the polic of transfer should continue as it promotes the national integration and gives the judiciary a pan Indian approach and also serves the purpose of enabling the judges to be posted at places other than the places where their children or near relations practise.`

The above resolution was passed to emphasise the need to observe Rule 6 of the Bar Council of India Rules relating to `Standards of Professional Conduct and Etiquette`, which reads as under:-

`An Advocate shall not enter appearance, act, plead or practise in any way before a Court, Tribunal or Authority mentioned in Section 30 of the Act, if the sole or any member thereof is related to the Advocate as father, grandfather, son, grand-son, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law or sister-in-law.

For the purpose of this rule, Court shall mean a Court, Bench or Tribunal in which above mentioned relation of the Advocate is a Judge, Member or the Presiding Officer.`